

Investigation

If a formal complaint is filed that meets timeliness and jurisdiction, the Division will conduct a thorough investigation into the allegations contained in the complaint. After gathering and reviewing all available evidence, Division staff will determine whether there is "reasonable cause" to believe that unlawful discrimination occurred. If the allegations are not supported by available evidence, the complaint will be dismissed. If a reasonable cause finding is issued, the Division will provide for an administrative hearing on the complaint to determine what remedy is necessary to correct the effects of the discriminatory practice.

The Division will emphasize conciliation to resolve complaints. The parties to a complaint may agree to settle the complaint at any time.

Possible Remedies

Remedies may include: hiring, reinstatement, promotion, restored benefits, reasonable accommodation, providing assistive devices to make services available, back pay, equitable relief (non-monetary), and injunctions to stop discrimination from recurring. Equitable relief may include attendance by the offending party at educational classes pertaining to discrimination laws.



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Protected Categories by Type of Discrimination

	Employment	Housing	Public Accommodations	Public Services	Credit Transactions
Race	•	•	•	•	•
Color	•	•	•	•	•
National Origin	•	•	•	•	•
Religion	•	•	•	•	•
Sex	•	•	•	•	•
Age	•	•	•	•	•
Disability	•	•	•	•	•
Marital Status	•	•	•	•	•
Familial Status		•			
Public Assistance	•	•	•	•	•
Lawful Activity	•				

***Have Additional Questions?
Need Assistance with this information?
Contact us at:***

**North Dakota Department of Labor Human Rights Division 600 East Boulevard Ave,
Dept. 406 Bismarck, ND 58505-0340**

**Phone – (701)328-2660 locally or
1-800-582-8032 toll-free in ND**

**TTY (Relay ND) – 1-800-366-6888 or
1-800-366-6889**

Fax – (701)328-2031

E-Mail – humanrights@nd.gov

Web Site – nd.gov/humanrights

Human Rights Protections in North Dakota



HUMAN RIGHTS DIVISION

Jack Dalrymple ~ Governor

Tony J. Weiler ~ Commissioner of Labor

The Human Rights Division of the North Dakota Department of Labor investigates charges of unlawful discrimination in employment, housing, public services, public accommodations, and credit transactions. This brochure provides information on human rights laws and types of remedies available.

Human Rights Law

North Dakota citizens are protected from unlawful discrimination under state and federal law. Under state law, protection is provided by the North Dakota Human Rights Act and the North Dakota Housing Discrimination Act. Protection is also provided under several federal laws.

The Human Rights Division is responsible for enforcing the provisions of these laws. This responsibility includes receiving and investigating complaints alleging discriminatory practices, mediating or conciliating settlements, and enforcing remedies when discrimination is determined to have occurred. In addition, the Division is responsible to educate the public about rights and responsibilities under human rights laws and to study the nature and extent of discrimination in North Dakota.

In order to preserve complainants' rights under federal law, the Human Rights Division "dual" files eligible employment charges with the federal Equal Employment Opportunity Commission (EEOC). Similarly, eligible housing cases are "dual" filed with the U.S. Department of Housing and Urban Development (HUD).

Protected Categories

You are only protected from discrimination or retaliation if you are a member of a protected class or were participating in protected activity. Under North Dakota human rights laws, it is unlawful for any person to be discriminated against because of his or her:

1. Race
2. Color
3. National Origin
4. Religion
5. Sex
6. Age (40 years old and older)
7. Mental or Physical Disability
8. Marital Status
9. Familial Status (the presence of children under the age of 18, being pregnant, or in the process of obtaining legal custody of a minor child) (housing only)
10. Receipt of Public Assistance (either state or federal assistance)
11. Participation in Lawful Activity - which is off the employer's premises during non-working hours which is not in direct conflict with the essential business-related interests of the employer (employment only).

Types of Unlawful Discrimination

State law prohibits discrimination in employment, housing, public services, public accommodations and credit transactions upon one or more of the protected categories established by law

Reasonable Accommodations

Employers, housing providers, public accommodation providers, and public service providers are required to make reasonable accommodations to allow persons with disabilities equal access to employment, housing, services, and facilities. Examples may include: making existing facilities readily accessible to and usable by an individual with a disability; restructuring a job; modifying work schedules; acquiring or modifying equipment; providing interpreters; or appropriately modifying examinations, training, or other programs.

Filing a Complaint

An individual who believes that he or she has been discriminated or retaliated against in any of the areas listed above because you are a person in a protected class or were participating in a protected or lawful activity, you may file a complaint with the Division of Human Rights or you may file a civil action in state court.